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U. S. Supreme Court
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CHARLES CLARK ORFFLEY
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IN THE
Supreme Court of the United States
OCTOBER TERM, 1943

No. 220

WALTER FORD GORMLY, <i>Petitioner-Appellant,</i> <i>vs.</i> UNITED STATES, <i>Respondent-Appellee.</i>
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Petition for Writ of Certiorari to the United States Circuit
Court of Appeals for the Seventh Circuit

MOTION FOR REHEARING AND BRIEF THEREON

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SYNOPSIS OF ARGUMENT

- I. Petitioner's case as important as cases in which writs recently granted 5-10
 - a. Falbo Case 5-9

The defense that the order of the Draft Board is not authorized by the Act is just as absolute as the defense that a Minister of the Gospel is exempt. As the Court is to consider one absolute defense it should also consider the other arising under the same law.
 - b. Billings Case 9, 10

The question whether Mr. Billings was subject to military law under a War Department regulation to effect that registrant is inducted before oath is given, is equalled, if not exceeded in national importance, by the question of whether a civilian who has been assigned by his draft board to work of national importance need accept the assignment, there being no express provision in the Act on that point.
- II. Brief in opposition considered 10-22

Solicitor General's brief consists of bare assertions and intimations, superficial or false, in meeting the points demonstrated to be true by petitioner's brief.

III. American Civil Liberties Union bulletin22-24

Matters quoted support the facts attempted to be proved by petitioner, but which the trial court excluded (exception taken), to the effect that Civilian Public Service Camps are not under civilian direction. The order assigning petitioner to such camp, therefore, did not comply with the conditions prescribed by Congress and petitioner need not obey the order.

IV. Argument of Arthur J. Edwards adopted25-34

The gentleman from Montclair convincingly shows that the C. P. S. camps subject the assignees to involuntary servitude, and so an assignment to such unconstitutional confinement need not be obeyed. Such imprisonment cannot be made the condition of exemption from military service under the pronouncements of this court. The Director exceeded his powers under the Act in imposing such a condition, and the order of the Draft Board is invalid and not a legal foundation for the indictment.

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